

Can. 635

§ 1. The temporal goods of religious institutes, as ecclesiastical goods, are governed by the provisions of Book V on The Temporal Goods of the Church, unless expressly provided otherwise.

§ 2. However, each institute will establish appropriate rules for the use and administration of goods which promote, defend and express the poverty which is proper to it.

Here is a proposal for a way to proceed

- ◆ The authorization of the Regional Superior could be required for the opening of a personal account.
- ◆ The authorization to have a personal account does not justify that the religious can dispose of the money he holds there for extraordinary expenses. For this, you need the authorization of the superior, who will say whether you can make such and such expenses from the personal account or from the community account.
- ◆ The Regional Superior informs the Superior of the community of the religious that he has authorized this religious to have a current account.
- ◆ At the end of each month, the Superior (Bursar) must be informed of the use of goods by each religious:
 - Each religious is accountable to the Bursar (Superior) of the community for all his expenses, considered as ordinary, whether they are made in cash or by credit card.
 - He also reports, by submitting to the Bursar (Superior) the situation of his current account.
 - He remits to the Bursar (Superior), for deposit in the account of the community, the surplus of what the Regional Superior and his Council have determined that the religious can keep in their personal account.



The correction of the Constitutions and the long-desired vow of poverty

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Introduction

It is well known that the Bishop of Bayonne, Mgr Lacroix, who came to this See in 1838, did not have the same vision of the Congregation of Betharram as its Founder, Fr. Michael Garicoïts. Fr. Garicoïts, according to the testimony of Fr. Etchecopar, was convinced that the Holy Spirit had inspired him to found a new Congregation with an original charism: a Congregation recognised by Rome, having a mission in the universal Church, a communal life, lifelong profession of the evangelical counsels of poverty, chastity and obedience, plus a Superior General elected by the assembly of the members of the Institute.

In 1841, Bishop Lacroix imposed a rule that expressed another vision. He wanted a society of missionary priests at the service of diocesan pastoral care, without community life, with the freedom to profess the vows as simply optional, and with a Superior appointed by the bishop.

This opposing vision of the Congregation caused great confusion among the religious, who were divided between those who followed Fr. Garicoïts and those who preferred the vision of the bishop. In addition, the bishop

was not clear in the orientations he gave to the religious and accepted the proposals made by certain religious to live in a more radical way.

All of this made community life very incoherent due to a lack of clarity. Many, faced with this disorder, left the Congregation.

This is what Fr. Garicoits observed and it seemed to him that the project was collapsing. He remained obedient to the bishop while trusting that the Sacred Heart, who was the creator of this Society, would undertake to preserve it. This is why we so often say that Saint Michael Garicoits died on the Cross of obedience.

This situation continued for 34 years: from 1841, date of the constitutions established by Mgr Lacroix, until 1875, when the charismatic intervention of Sister Marie of Jesus Crucified convinced Mgr Lacroix to dispatch Fr. Bordachar in Rome to present the Betharram Constitutions in May. On July 30, 1875, the Congregation of Bishops and Regulars of the Holy See promulgated the latter's laudatory brief. This was the beginning of a new stage in the life of the Congregation, led by Fr. Etchecopar, who was to work tirelessly to correct and revise the Constitutions until their approval by the Holy See.

I. Approval of the Constitutions by the Congregation of Bishops and Regulars

1. The laudatory brief

1.1. On May 2 and 4, 1875, Sister Marie of Jesus Crucified received a message from heaven: Fathers Estrade and Bordachar were to go to Rome before the end of the month to take the Constitutions of Betharram there. On the 10th of the same month, Sister Marie asked Miss Berthe Dartigaux to go find Mgr Lacroix, Bishop of Bayonne, to transmit to him the message from heaven.

ourselves. Sharing goods is a way of loving by seeking the material good of everyone and not just of oneself.

- The sharing of goods in community frees us from the desire to possess which pushes us to worry about finding money to ensure our well-being; it makes us better disposed to serve Christ and to consecrate ourselves to the brothers in the community and in the mission.

7. Before the Second Vatican Council, there was a very rigorous way of living poverty: the many Betharramite religious who worked in education at the San José College in Buenos Aires, every Sunday, after lunch, went to the office of the bursar of the community, to receive change for the metro, the bus, the tram that they had to take for the walk outside. In response to this rigor, after the Council, the custom was imposed according to which each religious could keep a little money which he could dispose of personally. This is how savings reappeared, which some religious interpreted as money available, without reporting to the community. Thus, with empty coffers, the community had to scrape around for what it would eat. Sometimes the bursar of a community had difficulty covering the needs of the religious; he could not buy certain things, could not buy a plane ticket for a brother whose obedience required him to take a trip; yet the religious personally had either donations, or Mass intentions, or retirement pension or ministry stipend. Over time, we have learned that the religious cared for at the care home in Betharram must deposit their pension at the institution, which pays a small sum each month to each patient for incidental expenses.

8. Then came personal accounts, some of which are larger than the community fund. I think it is necessary today for the Congregation to regulate the operation of personal accounts. They are certainly sometimes necessary to receive payment for work or services, or to have a credit card, which is sometimes required to make certain payments.

A protocol could be established for the whole Congregation, taking into account the Rule of Life and these paragraphs of canon 635 of the CIC:

to his personal, pastoral needs, etc. The superiors are the guarantors of this **dependence** which means giving an account: that each religious brings to the community all that he obtains and uses the goods of the community in conscience with sobriety and simplicity, dedication and hospitality (art 49), with the authorization of superiors, being careful not to be trapped by the consumerist mentality of society.

6. The advantages of pooling everything we have acquired:

- This makes us all equal: we are appreciated for what we are as people, brothers and not for what we are able to bring to the community, or for what we produce. We are equal to those who come from poor families as well as those who come from rich families; to those who have paid work and to those who do unpaid work such as superiors, formators, those who perform services in the community, for the Congregation, who do not receive remuneration; those who have the most recognized skills and those who do not; those who have rich friends who can give them gifts and those who work with the poor, from whom they can receive nothing since they have nothing.
- The resources of the community are greater if we share everything that each one receives because, if the consecrated person cannot possess, the community can do it.
- Thus the community can respond to the community, personal and missionary needs of religious, share with the poor and share with the other communities of the Vicariate and the Region and this one with the Congregation (cf. RdV 288). The ability to own is limited by the Regional Council (RdV 287).
- The sharing of goods requires us to go beyond individualism, where each seeks to have more than the other brothers, by engaging in a competition where, instead of being brothers, we become enemies: see who has the most.
- The overcoming of individualism in the sharing of goods with our brothers makes us think of the good of all and not only of

After praying together, the bishop recognised that this was the will of God. He signed the Constitutions. Berthe informed Fr. Etchecopar that she was in Anglet, that she was going to take them from the episcopal palace and hand them over to Frs. Estrate and Bordachar, who would have to take them to Rome in the days that will follow. In Rome, the latter met Fr. Bianchi OP, a member of the Congregation of Bishops and Regulars, who facilitated their efforts.

Everything happened without mishap, just as predicted by Sister Marie of Jesus Crucified. In the letter written to Father Magendie in Saint-Palais on May 15, 1875, Father Etchecopar recounts this process:

I never said anything to you, dear friend, about the laudatory brief that our Society desired from the Holy See... I suffered in silence, as much as you... Today, the Bishop of Bayonne himself asked the Holy Father, for the approval of our Congregation. Let us hope for a happy solution in the not-too-distant future; let us bless God with all our strength, for this favour adds to that of your admirable preservation, so let us show ourselves even more alive with the Spirit of the divine Saviour and of his Most Holy Mother.

1.2. In the letter written from Betharram on June 3, 1875, Fr. Etchecopar said to Fr. Magendie:

Everything makes us hope that before 2 or 3 months, we will have from Rome the laudatory brief for our society. Only there will be several small changes made to our constitutions. Mass stipends will be omitted from the body of the rules: we will not talk about it... Will the habit of this 'freebie' be coherent with the practice of the vows? I do not know.

1.3. This is the laudatory brief, issued by the Sacred Congregation of Bishops and Regulars on July 30, 1875.

"In the Diocese of Bayonne, near a church dedicated to the Blessed Virgin Mary, called Betharram, a pious congregation of priests, under the title of the Sacred Heart of Jesus, was founded

in 1832. Their members' main goal, in addition to their own sanctification, the teaching of letters, good morals and the Catholic religion to youth, is to bring people back or to preserve them from the error of our time by preaching the divine Word and by dispensing the multifaceted grace of God and maintaining them in sound doctrine. In addition, they make the three simple vows of poverty, obedience and chastity and are subject to the authority of a Superior General.

Recently, their Superior General insistently asked our Most Holy Father Pope Pius IX's to wish to grant apostolic approval to his pious Congregation and to its Constitutions, of which he handed over a copy. And His Holiness, during an audience granted on July 23, 1875 to the undersigned, Secretary of the Sacred Congregation of Bishops and Regulars, taking into account the letters of recommendation of the bishops of the places where this pious congregation is located, praised and recommended, in the most favourable terms, (without prejudice to the right of Ordinaries, fixed in the holy canons and the apostolic constitutions), this society of simple vows governed by a superior general. Therefore he praises and recommends it by the content of the present decree, and commends (at an opportune moment) the approval of the pious congregation, as well as its constitutions, on which he passed some small changes.

Given in Rome, to the Secretary of the Holy Congregation of Bishops and Regulars, July 30, 1875.

A. Card. Bizzarri, Praefectus, S. Archiepiscopus Seleuciensis, Secretarius"¹

1.4. Fr. Etchecopar sends Fr. Magendie the laudatory brief, the letter from the Congregation of Bishops and Regulars and the difficulties raised by this Congregation so that he understands well the Position of the Holy See.

I am sending you a copy of the laudatory brief, the letter from the Congregation to the Bishop of Bayonne; the animadversions made to a copy of our Constitutions very profoundly modified by

him everything out of love. »⁸

5. Our commitment as consecrated persons in taking the vow of poverty consists of this:

“As religious, we undertake **not to own anything**”. Jesus was poor because he owned nothing and therefore had nothing. Poor is he who does not have and does not have material goods, properties, money.

- As religious, we “**put in common** our material goods, our human and spiritual values” (art. 49). “Everything that a religious can acquire by his work or his skills, everything that is given to him, belongs to the congregation. The same applies to pensions, retirement, subsidies, insurance” (art. 50).
- Being consecrated, one cannot possess or dispose of anything; therefore, whatever a religious can acquire, he cannot keep to dispose of it, but he must hand it over to the community, because it does not belong to him, but “belongs to the Congregation”.
- The religious who asks nothing of the community, but who has money because he keeps goods acquired outside the community, is not poor. He took a vow of poverty but he does not live according to this vow. He is not really poor because he lacks nothing.
- “The pooling of goods obliges us to **depend** on the superior for their use. [...] This dependence is not reduced to the simple permission requested and obtained⁹; lived in loyalty, it makes it possible to avoid hurting the brothers and being the cause of scandal; it participates in the fraternal climate. (Art. 49)
- To depend means according to the RdV to account. **We account** for the money and property we have (art. 49).
- In the same way that the religious gives goods to the community, he depends on it to use the goods which belong to all, according

¹ Translated from Latin

⁸ VC 16 § 3 ; cf. Jn 17:7-10

⁹ Cf. PC 13

to live in chastity and to always do the will of God in obedience to superiors. It is also good to own property and use it responsibly, to marry according to the law of God and the Church, and to do our will responsibly before God. These are two ways of life that we can choose and that are not imposed on anyone. But as soon as we make our choice freely, all that is asked of us is to be faithful to the chosen style. The Code of Canon Law, in canon 1191, defines what a vow is : *The vow, that is to say the deliberate and free promise made to God of a possible and better good, must be fulfilled under the virtue of religion.*

4. The Rule of Life of 1969, fruit of the renewal requested by the Second Vatican Council, and the Rule of Life revised in 2012, both approved by the Sacred Congregation of Institutes of Consecrated Life and Societies of Apostolic Life, have practically the same content than that of 1877:

By the religious vow of poverty, we commit ourselves to owning nothing: we put in common our material goods, our human and spiritual values.

The pooling of goods obliges us to depend on the superior for their use. We account to him for the money and goods we have. This dependence is not reduced to the simple permission requested and obtained; lived in loyalty, it makes it possible to avoid hurting the brothers and being the cause of scandal; it participates in the fraternal climate.

We consciously use community assets insofar as they are necessary for the mission. Our fraternal life is marked by sobriety and simplicity, self-sacrifice and hospitality. (RdV 2012, art. 49)

Everything that a religious can acquire by his work or his skills, everything that is given to him, belongs to the congregation. The same applies to pensions, retirement, subsidies, insurance.

“By imitating his poverty, the consecrated person recognizes Christ as Son who receives everything from the Father and gives

one of the Consultors of the Sacred Congregation, before this copy was presented to this Congregation.

So, we have to wait for the arrival of the Constitutions which have been sent to us for 3 days and which we expect at any moment. The General Chapter met this morning. Obtaining the laudatory brief seems a marvel... nothing decided; the copy of the Constitutions is awaited.

(To Fr. Magendie, Betharram, August 18, 1875)

2. The task of correcting the constitutions

2.1. Fr. Etchecopar talks to Fr. Magendie about his trip to Rome dedicated to the correction of the old Constitutions with Fr. Bianchi. He tells him that he has just received from Rome a document containing the explanation of the vow of poverty as Rome understands it. He also told him that the writing had to be improved, the style of which was very cumbersome, and he asked for his collaboration to do so.

My trip to Rome and an indisposition that kept me in Pau, on my return from this trip and at the time of the departure of the 3 young recruits, prevented me from ensuring that the commissions planned for you were carried out. Above all, I wanted the corrections made to the Constitutions to be implemented.

They are important, but take up little space; the old Constitutions for the most part are the same; it is therefore sufficient for the present, to strike out a few articles in the old wording and to add the modifications now authorised.

Moreover, in Rome, we found the drafting of the whole indigestible, so we asked for the final approved version, something better drafted. With God's help, we will work on it little by little.

But here is a document which was promised to me in Rome and which I have just received. This is the explanation of our vow of Poverty, as Rome understands it and wants us to understand it

I understand very well what you are saying about the Superior General of the Colony.

Who would have ever believed that we would have made changes in this respect in our Constitutions.

I will write, please God, to the Consultor of the Sacred Congregation who has done so much for the laudatory brief.

But we must expect a lot of delays in the responses and in the resolutions that will emanate from the Sacred Congregation. Ordinarily, that's the way it is.

I hope not to lose sight of this important point; let's pray and call me back, let me know of anything that seems useful to you in the Colony. Attached are the Corrections to the Constitutions. Please report them to the houses of the Colony, unless Mr. Arrambide has brought this piece. As for the explanation of the vow of poverty, I send a copy to MM. Dulong and Laphitz.

(To Fr. Magendie, Betharram, December 2, 1875)

2.2. A circular letter signed by the Superior General, his council and the superiors of the houses of France, announces and transmits for information to all the religious, the documents received from Rome.

We have added to it some instructions from Rome on important points, a Regulation on letters to Major Superiors and a Customs Book. We have placed at the head of this work the Laudatory Brief of His Holiness Pius IX; and the Commendatory Letters of Bishops N....N., as a family treasure containing encouraging praise and examples to imitate.

With the help of the Lord, we will work another time to bring better order and fill in the gaps.

(Circular letter, Betharram, June 23, 1876)

3. Fr. Etchecopar goes to Rome with Fr. Magendie to work with Fr. Bianchi

3.1. Father Etchecopar wrote from Rome to his sisters Madeleine and Suzanne:

between us) our Congregation which goes to the aid of families when this is necessary and to the extent of our powers.

(To his sister Madeleine, Betharram, July 21, 1888)

In these quotations, Fr. Etchecopar transmitted to us the criteria to which the Congregation must refer to help the poor families of religious:

- they are gifts for poor parents;
- to the extent of their needs;
- these donations should not be transformed into income for rich parents.

Conclusion. A thought for today.

1. The way of living poverty, from 1841 to 1877 in the Congregation, does not correspond to what our Founding Father Saint Michael Garicoits wanted. He wanted the vow of poverty, as well as that of chastity and obedience. The confused situation came from the project of Bishop Lacroix who did not want obligatory vows, and some people followed his thought.

2. If the Church recognized our Congregation as a Religious Institute in 1877, it is because all religious have accepted to practice the vow of poverty, according to the laws of the Church. We have seen the content of the vow of poverty in the Constitutions adopted in 1877.

3. Committing to do something by vow is sublime and demands great freedom from the doer, both inward and outward. It is a sublime way to respond to the love that God has for us and that we have experienced through Jesus Christ. *"To him who gave his life for us, to whom we are configured by baptism, we give the best of ourselves by the three vows of chastity, poverty and obedience, which make us participate in the lifestyle which he chose.* (RdV 6) Out of love for Jesus who loved us so much, we commit ourselves by vow to live like Him: to have no property of our own,

comes to them through the same hands as before, to spare these good parents.

(To Fr. Magendie, Betharram, January 18, 1876)

This custom will remain in force in the Constitutions of 1877. It will be a donation. "We can only allow donations to poor parents and not turn them into income for rich parents."

It is true that with the animadversions and the explanation of the vow of poverty and the Notes that you must have received, you know as much as we do! As for better writing, it can only be done little by little. Always write, if you need more information, about alms to parents. I have written to Mr. Laphitz that our property henceforth is under the authority of the Holy See as belonging to a society recognized by it; we can only authorize alms for poor parents and not turn them into income for rich parents.

By virtue of this title of alms, if the parents are in need, we can continue the old help for them.

(To Fr. Magendie, Betharram, February 18, 1876)

Fr. Etchecopar mentions two concrete cases: helping the mother of Fr. Magendie and the parents of Fr. Castainghs as always so as not to hurt their pride.

3° We wholeheartedly take upon ourselves the help to be given to your very worthy mother and to the good parents of M. Castainghs.

In my letter I said or wanted to say that relief to needy parents could be sent to them by the same hands as before, in order to spare their feelings.

(To Fr. Magendie, Betharram, April 3, 1876)

His sister Madeleine helped the mother of Fr. Salaberry in the process for inheritance rights. He tells her that it is a custom in the Congregation to help families when necessary and to the extent of our possibilities.

Please tell me what you will have advanced to Mother de Salaberry, for inheritance rights: this concerns (let it be said

Here I am in Rome for 8 days, after a happy trip, thanks be to God. I am here with the dear Superior of the College of Buenos Aires. The good Lord favours us a lot for our business and for everything. Also, we will be ready, I believe to leave next Monday or Tuesday.

This evening at 6:30 a.m., the Holy Father deigns to receive us in private audience.

(To his sisters Madeleine and Suzanne, Rome, September 29, 1876)

3.2. From Rome, he also wrote to Fr. Pagadoy to announce to him that the same evening they would be received by the Pope, he and Fr. Magendie, and speaks to him of the steps they take there on the way to proceed for the question of the government of the Congregation, after having received the laudatory brief:

This evening we will have the honour of being admitted to the Holy Father in private audience, at 6:30 p.m. He will bless us with this rich blessing of all the treasures of Heaven. It will fall very especially on the very dear Father Augé, you can be sure of that. [...]

We have the authorization to exchange land funds if necessary up to a maximum of 40,000 f. The Sacred Congregation has also agreed to promote the scholastics of Buenos Aires to holy orders. Finally, to establish uniformity as to the Breviary, we are granted the Office and Ordo of the Roman clergy for our houses in France and America.

The most Reverend Father Bianchi shows great kindness. He receives us almost every day and answers our questions. May the good Lord reward him!

His Eminence Cardinal Antonelli also admitted us with great kindness; thanks to the recommendation that Bishop of Bayonne requested in a letter of which I was the bearer; we had the invitation to the private audience of the Holy Father and in a very short time. Deo gratias!

Please God, we will leave Rome on Tuesday, October 2. We would like to be in Betharram on Saturday!

(To Fr. Pagadoy, Rome, September 29, 1876)

3.3. In another letter to Fr. Pagadoy written from Rome, he recounts what they accomplished for the good of the Congregation:

We will carry 3 rescripts.

1° The power to ordain all our scholastics now residing in Buenos Aires, titulo mensa communis.

2° The power to adopt the Office and Ordo of the Roman Clergy, in our American houses as it already exists for us in France.

3° The power to exchange up to 40,000 f. of buildings to enlarge the Notre-Dame de Bétharram School.

All these rescripts will not be ready until Wednesday: therefore we cannot return before the first days of the other week.

Dear Father Magendie is well, thank God; Me too.

(To Fr. Pagadoy, Rome, October 1, 1876)

3.4. In the circular letter written from Pau, he tells all the religious how they experienced the audience with Pope Pius IX and says in particular this:

After these words which inflamed our souls, Pius IX condescended to receive with outpouring of gratitude our obol for the denarius of Saint Peter. He spoke with Father Magendie of the dear Colony of America; finally he stretched out his hands full of grace over us and poured out on the entire Congregation the immense treasure of apostolic blessings. What graces! What blessings, dear Fathers and Brothers, coming from such a Pontiff, from the bosom of his captivity and at the height of his martyrdom!

(Circular letter 16 October 1876)

4. Work for the approval of the Institute by the Holy See

4.1. Fr. Etchecopar wrote to Fr. Pagadoy from Anglet:

I spent two days at The Refuge to deal with the documents relating to the approval of the Institute.

(To Fr. Pagadoy, Anglet, January 7, 1877)

Si vous le jugez bon, faites-les consulter. M. Laphitz et Sallaber s'en acquitteraient bien... Entre basques, on s'entendrait...

4° Is this novena por Cecilio a simple novena of prayers? Answer, please, to finish everything and thank you.

(To Fr. Magendie, Cauterets, September 18, 1875)

6. The event of the sudden death of Fr. Sardoy, as related by Fr. Etchecopar to Fr. Magendie, highlights the problem of the use of goods, money in its concrete form, which does not correspond to the lifestyle of a consecrated person: having access to the sum of money resulting from the fees for Masses or from other sources: “Mr. Did Sardoy have any money of his own? Had he accumulated the Mass fees left to personal discretion for some time? Finally, in all that he brought with him in drafts was there anything that his parents could claim with right; Or would there be some declaration from the dear deceased, from which it would follow that all he had of money was pure commission? (To Fr. Magendie, Betharram, July 3, 1875)

This is happening at the very moment when the Congregation is engaged in a whole reflection on the vow of poverty, at the request of Rome, a vow that all will have to accept so that Rome approves the Constitutions and approves the Institute.

IV. Help for poor parents

In the letters of Fr. Etchecopar to Fr. Magendie, there is evidence of the widespread practice in the Congregation of helping the poor relatives of religious “according to their needs”. It's a way to take care of them. This reveals that, while being religious, we must keep the fourth commandment. Not to do so would be to declare oneself “korban”, as the Pharisees did (Mt 15. 5-6).

5°. For relief to poor parents, I am authorised and I authorise that we help them, to the extent of their needs and that this relief

that he brought with him in drafts was there anything that his parents could claim with right; Or would there be some declaration from the dear deceased, from which it would follow that all he had of money was pure commission?

I would also like to know, if we have found traces of the Mass obligations, carried by Mr. Sardoy, to be paid by himself, and of the fees corresponding to these Masses; and what if he had these fees on him?

May God help us to settle everything with justice, prudence and piety.

(To Fr. Magendie, Betharram, July 3, 1875)

5. In a new letter, Fr. Etchecopar informs Fr. Magendie that the problem raised by the death of Fr. Sardoy is about to be clarified because he has found documents that allow it to be resolved. He says he is sending these documents to Fr. Magendie.

I send you herewith the notes found in Mr. Sardoy's papers. He puts on the document, loose sheets opposite, the fees in patacones (spanish coins) and the number of masses, adding each new sum with the following one. So I can clearly see the number of masses and the corresponding fees. There is the series of masses for my account and moreover that of free masses. No doubt that everything is to be said and that Betharram can and must take care of it. So :

1° Is that it?

2° In the Portfolio document there are 369 free masses, 121 for me. It is undoubtedly a note which repeats the document of the loose sheets, with a slight difference in the number of masses.

I think to take the number of the most significant Intentions, c. to d. rather celebrate more than less to fulfil all our responsibility.

3° There are the masses for the persons designated by name in the portfolio; can we tell them at Betharram? do the interested parties consent or can we assume their consent? If you see fit, have them consulted. M. Laphitz and Sallaber would do it well... Between Basques, we would get along...

4.2. In a letter addressed to Fr. Magendie, Fr. Etchecopar asks him to obtain letters of recommendation from friendly bishops to obtain the approval of the Institute.

In the opinion of the excellent and devoted Fr. Bianchi, we must think of correcting the Constitutions, of asking for the approval of our Institute by the Holy See.

For this approval, we need new commendatory letters from the Bishops with whom we have houses. It is good to add letters of recommendation from other Bishops, our friends.

So, dear Father, take care, immediately, of obtaining that of Mgr Aneiros and Mgr Vera. Do you have other American Bishops who know you and would recommend you?

For the work on the Constitutions, Fr. Bianchi advises me to go to Rome in May, to do it with him, and to propose this work thus elaborated in a good place, to the Fathers Superiors, whom I would gather in chapter for the retreat of June.

I am going to speak about this project to our House Superiors here whom I have engaged to come and see us, on the occasion of the holidays of the Easter week.

Let us all pray a lot for this purpose; let us join in prayer, the holy and religious life, in order to deserve the praises of the Bishops, of the Holy Father and of our divine Queen of Calvary.

(To Fr. Magendie, Betharram, April 3, 1877)

4.3. In his letter of April 15, 1877, Fr. Etchecopar wrote to Fr. Magendie that the Superiors of the Houses of France had asked him to go to Rome to work there with Fr. Bianchi on the new drafting of the Constitutions:

Tomorrow, I intend to leave for Rome with Fr. Estrate, my secretary and Fr. Etchégaray, sent by the Bishop for the affairs of the Servants of Mary of Anglet.

The purpose of this trip is to make a more suitable redaction of the Constitutions with the help of Fr. Bianchi, and to prepare the various documents and recommendations prescribed or very useful to obtain the brief approving the Institute.

This trip was resolved on the Wednesday after Easter; in the meeting of the Superiors of the various houses here, called ad hoc, after having received encouragement from Fr. Bianchi.

This good protector wrote to me “come and write the Constitutions here; then when they have been approved in June, by the Fathers gathered in Chapter, I will present them with the commendatory letters, the report of the Triennium and the request for the brief approving the Institute, at the beginning of the year 1878”.

Please be kind enough to send me, either directly to Most Reverend Father Bianchi, Procurator General of the Friars Preachers at the Convent of La Minerva in Rome, the commendatory letters, in which I hope your two good Bishops will warmly support the request for the writ approving the Institute.

For our June chapter to be regular, I must obtain a dispensation from the participation of the Superiors of America; because there is not enough time for you to delegate even one of you, so that he could return, for the feast of the Sacred Heart. I will try to obtain this exemption.

(To Fr. Magendie, Betharram, April 15, 1877)

4.4. From Rome, Fr. Etchecopar tells Fr. Magendie how quickly the new redaction could be put together thanks to Fr. Bianchi. The result obtained seems to reflect a way of life worthy of being accepted by the Congregation of Bishops and Regulars. He also seems to have received clear guidelines for the novitiate:

Here I am in Rome since the 20th of this month, with Fr. Estrate whom I took for my secretary and Fr. Etchégaray who joined us, responsible for dealing with important matters concerning the Sisters, Servants of Mary of Anglet.

I undertook this trip, after having been encouraged to do so by the Superiors of the houses of France, gathered in Betharram, the week of Easter. The goal is to make a good drafting of the Constitutions and to prepare the request for, and the obtaining of the brief, approving our dear Institute. I would not have thought

mentioned dispatch, and after having been deposited in the isolation hospital of Pauillac, M. Sardoy fell asleep peacefully in the Lord. Only M. Idiart, by his bedside witnessed it...

Opera illorum sequuntur illos !⁷ This is our hope, thinking of this gallant worker of the Lord.

Has he made a will? Please, put me in a position to satisfy the parents, according to the legal formalities. It is so easy to be wrong-footed in these sorts of affairs. We cannot be too careful.

As for the commissions with which M. Sardoy was charged and the deposits of money entrusted to him, what do you know of them? Mr. Louis Puigh may be able to provide information and documents.

Finally, for the Mass obligations he had taken on, did he leave precise notes? ... As well as on the fees for these masses. On the origin, the destination of the money he could have on him. The bursar of the St Jean residence might know something about this.

In a word, have the kindness to provide me with all the information that will put me in a position to regularize my position vis-à-vis the parents and the obligations of our dear colleague, as much as possible without compromising myself.

I think you will want to say yourself, on behalf of the deceased, the masses that the colony must say.

(To Fr. Magendie, Betharram, June 18, 1875)

4. Fr. Etchecopar continues to share with Fr. Magendie his concerns regarding the situation following the death of Fr. Sardoy. He asks Fr. Magendie key questions that highlight the improper way in which each religious had money: Did he have personal money? Was he keeping the mass stipends left to everyone's discretion for a long time? Can we find any document in which the deceased attested that all the money he had was only a commission? Will parents be able to claim some of the money in the form of vouchers? Did he bring the stipend for the masses he had to pray himself?

Did M. Sardoy have any money of his own? Had he kept the Mass fees left to the will of each for some time? Finally, in all

⁷ Their good deeds go with them

M. Sardoy writes to me asking for permission to leave for France in May. Mr. Chirou had previously authorized it. I also do so in my reply to him by this letter. Will he benefit from permission? or will he still wait? I do not know...

If he wants to come, he has all kinds of rights to this journey... You will be kind enough to write to me your opinion and that of the Council on the points which could be proposed by Mr. Sardoy to the Council here... In his last letter, this dear confrere shows himself to be contrary to the project of the apostolic pupils. Try therefore to foresee the articles on the subject of which we could be consulted, your information would be very useful to us, although we have decided in advance not to take any premature and definitive resolution.

The affair of the Villa-Colon College was able to teach us a little about this.

Mr. Laphitz returns to the charge in a letter. I will answer him by referring him to the decisions of the Colony Council.

I will tell M. Sardoy that I have let you know that I wholeheartedly authorize him to return to France; I think you will approve of this conduct.

(To Fr. Magendie, Betharram, March 3, 1875)

3. In another letter, Fr. Etchecopar informs Fr. Magendie of the circumstances of the sudden death of Fr. Sardoy on French soil, even before arriving in Betharram. He asks him a few questions: Did he make a will? How much money did he bring, where did it come from, and what was it for? What Mass stipends had he received? Had he left documents on the fees for these masses? He asks him for all this information so that he can give the necessary explanations to the family of the deceased.

M. Sardoy, our beloved colleague, died while disembarking at Pauillac. He had fallen ill in Lisbon, following a cold, which soon degenerated into cholera. Having come within sight of French soil, he wrote me a few words in which he arranged to meet me in Bordeaux... I rushed there, but it was too late; on Saturday evening the 5th, a few hours after having made the above-

of it so soon without the advice and encouragement of the excellent Father Bianchi.

Thanks to him, thanks to Bishop de Luca, we are preparing with ardour a form of life, worthy of being approved by the Sacred Congregation of Bishops and Regulars, and of obtaining the approval brief of the Institute.

With the help of the Blessed Virgin, who places us more and more visibly in the mold prepared by our venerable founder; with the help of this good Mother, who raises us all so strongly, so marvelously towards the holiness of our state and renews us in some way by the primitive spirit of the Congregation, we will receive in a few months the great and signal favour that we came to ask.

So let us all thanks the divine Mother of heaven; redouble your prayers and the sacrifices of perfect devotion. Show ourselves more and more to be the servants and religious children of Our Lady of Calvary and you will contribute very largely, as in the past, to the strengthening, to the development of the work dear to Mary in all goodness, all holiness, all priestly and religious perfection, according to our state.

We pray a lot for the dear Colony; we take care of it as much as possible.

On April 20, 1877, the Sacred Congregation granted the faculty of receiving as postulants to the novitiate of Buenos-Aires before the age of 20, up to 12 lay brothers, provided they were sixteen years old; this was granted pro hac vice tantum².

(To Fr. Magendie, Rome, April 25, 1877)

4.5. In a circular letter, Fr. Etchecopar recounts the audience that Frs. Estrade, Etchegaray, chaplain to the Servantes de Marie d'Anglet. He himself told the Pope that he had come to seek the approval of the Congregation.

[...] Then the Holy Father turned to me:

"Have you come on some business to transact with some Congregation?"

"Yes, Most Holy Father; with your Congregation of Bishops and Regulars. You deigned to grant us the Laudatory Brief in July 1875".

"Yes, I remember," said the Holy Father.

² This time only.

“Now,” I resumed, “we would like to request Your Holiness to deign to grant us the Brief approving the Institute.”

“But, answered the Holy Father, the Secretary of the Congregation of Bishops and Regulars is dead and I am waiting for the one who must replace him”.

It is true that to obtain this grace, one needs above all a form of life, a Rule, Constitutions such as the Holy Father wishes them of us. But this work, you know, beloved Fathers, is the main object of this journey to Rome; this is the work on which I continue to work with the two Fathers who accompany me, under the direction of very competent men, one Auditor, the other Consultor of the Sacred Congregation of Bishops and Regulars.

Thus, let us pray, sanctify ourselves and, God helping, approval will not be long in coming.

Farewell, my beloved Fathers and Brothers; thank you for your prayers; thank you for your dedication; thank you for your sacrifice.

(Circular letter, Rome, April 29, 1877)

4.6. Finally, Fr. Etchecopar informs Fr. Magendie that the Holy See has approved the Congregation of the Priests of the Sacred Heart and also communicates to him the few corrections to be made to the Constitutions.

To the thanks due for these favours, we have today to add a thousand thanksgivings! For the Holy Father has condescended to approve our little Institute, as you will see from the enclosed document, the original of which reached me on the 14th of this month, the day of the Exaltation of the Holy Cross, in the Octave of the Nativity³.

I was at Sarrance, in solitude, to take some rest; The Bishop was in Oloron, ready to leave. The decree was addressed to him in a sealed envelope; I ran to Oloron... His Grace wept for joy and said to me: Without a great grace, you could not have obtained such a favour so soon!

I immediately telegraphed to our houses, asking that in thanksgiving, each priest say a mass and each non-priest make a communion and say a Rosary. Do the same. I very

I think we should settle now for the vows of Fathers Laphitz, Sallaber, Mendivil even without speaking to them, provided they are determined to renew their vows.

Here's what it looks like to me.

You should present the case to Bishop Vera for Mr. Mendivil, and to Bishop Aneiros for the other two; explain to them, I say, that before the approval of our rules by the Holy See, these three Basques were, with the consent of Mgr de Bayonne, then our Superior, added to our confreres of the Colony and that there, after a novitiate, (or something similar), or without a novitiate as required by the Apostolic Constitutions, they were, bona fide, admitted to make their annual vows.

That being so, if I am not mistaken, pray these good Bishops to deign to give, if it is their opinion, on the spirit and religious conduct of these confreres, such notes to the Holy See and such a favorable opinion for the admission, validation, regularising of these vows, that the Holy See be disposed to grant this favour.

If they were kind enough to grant you these letters, you please take care to send them to me; I would join them to my petition, having the stated purpose, and thus everything would be settled, even perhaps without saying anything to those concerned, so as not to disturb them.

(To Fr. Magendie, Sarrance, September 17, 1877)

III. An enlightening fact: the sudden death of Fr. Sardoy

1. Fr. Sardoy joined the Congregation, at the urging of Fr. Guimon, to be part of the missionary team that was to accompany the Basques to Argentina. This incorporation takes place shortly before the departure of this team. Also Fr. Sardoy did a novitiate of a few months, at the end of which he made his religious profession. He was first a missionary, then chaplain of the Poor Clares of the convent of the San Juan Bautista church in Buenos Aires.

2. In 1875, he decided to return to France as Fr. Etchecopar communicated to Fr. Magendie.

³ It is the Nativity of the Virgin which is celebrated on September 8.

encountered during a community meeting in Montevideo, where Fr. Laphitz expressed an opinion that broke the unanimity of the community on how to live the vow of poverty.

Please excuse me if I am short; I find myself so tired that I can no longer see. All residences are doing well; however, in Montevideo there is still intrigue to bring M. Laphitz back. Our meeting took place on the evening of the 6th; everything passed off calmly; but Mr. Laphitz's words about the vow of poverty surprised us unpleasantly. M. Sampay writes to you at length on this; you will see what you can do with it. What is certain is that we essentially hold to the vows, and if the majority of your assembly rejects them, I believe that this would be a disaster.

(Letter from Fr. Magendie to Fr. Etchecopar,
Buenos Aires, July 10, 1875)

4.2. Father Dulong intervenes by formulating a question on the provision of money for donations, proof that he has already accepted the vow of poverty of the new Constitutions.

*M. Dulong asks me from America how much of the income he can use for alms there.
We should think about the alms to be done at the Mother House, while relieving local needs. Tell me your opinion on this.*

(To Fr. Magendie, Betharram, June 29, 1876)

4.3. Fr. Etchecopar asks Fr. Magendie to arrive at a solution with the profession of the vows of Fathers Laphitz, Salobre and Mendivil since, as he indicated above, the Constitutions had been approved by the Holy See. He asks him to explain to the bishops of Buenos Aires and Montevideo how the bishop of Bayonne had integrated these brothers from Argentina and Uruguay; after a kind of novitiate or without a novitiate they had pronounced their annual vows. That he ask these two bishops for reports on the spirit and conduct of these priests so that their situation can be regularized and that they can be admitted by the Holy See to pronounce perpetual vows.

much regret that in the decree only the Bishops of France are mentioned: I wrote to the good Fr. Bianchi, to ask him if we can claim the mention of the Bishops of America. You will see that the changes to be introduced to the Constitutions by virtue of the animadversions are very little. There are only five. Here they are :

1° According to the Apostolic Constitutions, the novices must be separated from the Professed; and they can only have in common with these the choir and the refectory.

2° Postulants born illegitimately and those who have worn the habit in another Congregation cannot be admitted without prior dispensation from the Holy See.

3° This animadversion only indicates that the Ceremonial being something quite apart, no mention should be made of it in the Constitutions, and that what pertains to it should be erased.

4° The Bishop of the place where the General Chapter will be held, will preside over the said Chapter; by virtue of an apostolic delegation, with the faculty of sub-delegating another person, capable of fulfilling this office.

5° If the election of the Superior General was not obtained in the 3rd ballot, in the General Chapter; the acts of this Chapter will be transmitted to the Holy See, through the intermediary of the Bishops and Regulars, so that there provide in a timely manner.

(To Fr. Magendie, Sarrance, September 17, 1877)

II. The Great Pitfall of the Vow of Poverty

1. Confusion in the way of experiencing poverty

The great confusion that reigned in the Congregation was due to the different way of living poverty. There were religious with vows and religious without vows. Canon law did not exist until 1917. But Church laws included the vow of poverty more or less as explained in 1983 CIC canon 600. Not everyone in Betharram lived by this canon, as Father Etchecopar explains.

Father Etchecopar explains to Pope Pius IX, in a letter, the way in which the Congregation experienced poverty from 1841 to 1877. Until that date, there were religious who had made perpetual vows and others who had not. . He asks the Pope to clear up the situation by allowing everyone to pronounce perpetual vows according to the Constitutions which have received the Laudatory Brief:

Most holy father,

Auguste Etchecopar, Superior General of the Congregation of the Sacred Heart of Jesus, known as Betharram, whose seat is in the diocese of Bayonne, France, humbly prostrate at the feet of His Holiness, explains that, according to the animadversions made by the Holy Congregation of Bishops and Regulars on July 30, 1875, the members of his Congregation must take their vows, after the novitiate, first for a period of six years, then forever.

Today, there are many who have lived for several years in this congregation; there are also those who, as professed, have made perpetual vows in this way, and others who have not pronounced them at all, either because they believed, in all good faith, that they should not do so until the Holy See gave its approval, since they considered that the questions of the Institute were not settled. But, the decrees being received, some hastened to make perpetual vows immediately and in good faith, others annual vows, but others await a declaration from His Holiness, ready to act according to what he decides.

Thus, the first humbly ask that their perpetual vows be confirmed, and the others, of annual vows, like those who have never made vows, that they be authorized to make simple perpetual vows immediately.

The undersigned adds to these requests his supplications that His Holiness deign to grant this grace.

From His Holiness, the humble servant,

*Etchecopar Sup. Gen.
(January 1876)⁴*

very important starting point... Jesus and Mary be forever praised, loved, blessed!!

3.5. In a letter to the religious of the San José College, he encourages them, exhorts them and praises them because they are going to live in a new way, pronouncing the vows according to what is requested by Rome.

To all my dear fathers and brothers at San José College who come to renew their vows, in the sense of Rome. Pax Christi hominibus bonae voluntatis, et laus Deo et Mariae.⁶

Dear Fathers and Brothers in Our Lord, I thank you for the great joy caused by your ardour in embracing the yoke of Our Lord, moreover so sweet and so light.

It is such a glorious grace to God, so advantageous to the Community, to the good of souls; since the more the branches are pruned and united to the vine, the more good fruit they produce. O! dear sons of the divine Heart, you are much more glorious, much happier than before, since you are closer to Our Lord, the glory of the Father and the beatitude of heaven, and you have risen in the ranks of his militia, to win more illustrious victories over Hell more raging than ever.

Let us therefore rejoice in the Lord, who renews us by his Holy Spirit; at corde magno and animo volenti. Nunc cæpi, hæc mutatio dexteræ Excelsi.

“I begin a new life, leaning on the arm of the Almighty and full of trust in the special protection of Mary.”

(To the religious of San José College in Buenos Aires, Betharram, April 3, 1876)

4. Some problems with religious who had not taken a vow of poverty

4.1. Fathers Laphitz and Dulong were reluctant to take the vow of poverty as demanded by Rome. Fr. Magendie tells Fr. Etchecopar of the difficulties

⁴ The original letter is kept in the Vatican Secret Archives, Congregation of Bishops and Regulars, Positiones Episcoporum, March 1876 (Protocol 4200).

⁶ Christ's peace to men of goodwill and praise to God and Mary.

Let us renew our vows according to the sense of Rome and let me know that they have been renewed in this sense.

I have no doubt that everyone is happy and proud to thus place our Congregation in the first ranks after the great orders and thus to dispose the Holy See to grant us definitive approval a little later.

I write in this sense to M. M. Laphitz and Dulong.

((To Fr. Magendie, Betharram, December 2, 1875))

3.3. The vow of poverty according to the Constitutions approved on August 31, 1877 by Pope Pius IX, by which the Congregation is approved as an institute of pontifical right, is expressed as follows (in the Second part: Form of life, Chapter II: The vow of poverty):

Art. 5: The professed cannot appropriate or reserve for themselves anything that they would have acquired by their own industry, or as members of the Institute, nor the manual gifts that would be made to them as to a private person (intuitu personae), nor the fruits of benefices, nor any sort of fee; but all these things must be united to the goods of the Community, for the general utility of all the members.

Art. 11: Money and anything that may be given to them in any capacity will be handed over without delay to the Superior or Econome.

Art. 12: When they return from a trip, they will give him an account of their expenses, and will give him the money they have left.

3.4. In the Letter written from Pau on November 3, 1875, Fr. Etchecopar announces to Fr. Magendie that 17 young people from different communities have pronounced their vows according to the new Constitutions:

On All Saints' Day at Betharram, 17 of our young people, who had come from various residences, made vows according to the new Constitutions... I joined, from the heart, in this great act, a

2. The nest egg

2.1. The nest egg. The dictionary defines it as "money that one acquires by one's work, but which one can only dispose of under certain conditions". The nest egg was also a sum that the father or the lord allowed the child or the servant to acquire for his use or his trade.

2.2. In some of his letters to Fr. Magendie, Fr. Etchecopar shows himself very worried about the habit that each religious keeps his money and which will be an obstacle to the approval of the Constitutions. He consults Fr. Magendie and will also consult the religious of Montevideo so that they express their opinion on the renunciation of private savings. He also says he is confident that everyone will be ready to accept what the Roman Pontiff is asking:

Everything makes us hope that before 2 or 3 months, we will have from Rome the laudatory brief for our society.

Only there will be several animadversions made to our constitutions. The Mass stipend will be deleted from the body of the rules: we will not talk about it... Will the practice of these stipends be tolerated alongside the practice of the vows? I do not know.

If the Sacred Congregation made the renunciation of private savings a condition of the approval of vows, would you and your confreres agree to make this renunciation in order to preserve the foundation and the merit of the vows? I would be very happy, if necessary, to be able to speak at the meeting of August 20, of the very respectable opinions of our dear colleagues from America.

What I know in advance is that the spirit which animates you all, this truly religious spirit which you have kept in all its purity and primitive fervour, keeps you ready to accept whatever the Sovereign Pontiff will have judged useful for the good of the Congregation and to subscribe to the modifications proposed by Rome, with this aim of improvement and true progress; a word of reply on that, without delay, please.

I am writing to the brethren of Montevideo to ask them also their opinion on these various issues: because between now and August 20 you cannot meet at Buenos Aires and send me a regular report...

But, perhaps there will be time to answer me directly from Montevideo; moreover the synthesis of the same views and feelings will be more general and more perfect, and the more the new impulse imparted to our work will be powerful and abundant in all sorts of fruits. Fiat! Adorable heart of my God! whose feast we will celebrate tomorrow. We are from you, to you and for you! May we therefore be according to You, more and more with the Heart of your divine Mother! Amen.

(To Fr. Magendie, Betharram June 3, 1875)

2.3. In the letter written from Betharram on July 3, 1875, Fr. Etchecopar said to Fr. Magendie:

The request for approval from our Society was very favourably received in Rome. There will be animadversions to the constitutions; Rome will most likely require the vow of poverty, without a nest egg.

2.4. Father Etchecopar, in a letter written in Rome on October 23, 1875, said to the Fathers of the community of Anglet.

God be blessed! He wants us all to be truly poor and stripped, while retaining no ownership of goods. No more savings, no more mass stipends, etc. The answers are precise. The Superior himself is happily constrained, and he cannot in any way allow anything to the contrary. However, he may let each member request three Mass intentions per month for relatives or friends, on the express condition that he no longer receives a stipend.

3. The vow of poverty according to the Holy See

3.1. And in the letter from Betharram of November 18, 1875, Fr. Etchecopar told Fr. Magendie that the final approval will not be obtained if

poverty is not accepted in the way common to all “religions” (= congregations).

You have already understood this; the Holy See wants the true practice of the simple vow of Poverty, no more savings; only renunciation of property is allowed.

We will not obtain definitive approval if we all do not embrace by vow this common life of poverty.

Oh! without doubt this God so good, who grants us the grace to know his will and such a will, will also allow us to respond to it; but as co-operation is required, let us pray to obtain that admirable unanimity of views and sentiments which are the strength and happiness of societies.

The novitiate must be done in Betharram; we aim at the unity of formation and for complete formation or at least the best formation.

We would never have suspected that these changes had been made to the Constitutions. God willed it. Always forward. [...]

P. S. Long live Holy Poverty!

No more savings, no more Mass fees for oneself. But the vow of poverty fully practiced in common life, while retaining no ownership of property. Deo gratias!!

3.2. Fr. Etchecopar continues to provide insights to Fr. Magendie on how to live the vow of poverty as requested by Rome. He is waiting, he says, for a document on this subject.

Moreover, in Rome, we found the drafting of the whole rather indigestible, we ask for the final version, something better drafted. God helping, we will work on it little by little.

But here is a document which was promised to me in Rome and which I have just received. This is the explanation of our vow of Poverty, as Rome understands it and wants us to understand it.

It is the true poverty of common life, according to the primitive spirit, but with the happy obligation of the vow. What grace of the Jubilee of the Sacred Heart! Centuplum accipiemus! Curramus ergo ad propositum certamen.⁵

⁵ We will receive a hundred times as much! With perseverance we should keep running in the race which lies ahead of us. (Heb. 12:1)